

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Cooperation Department – Departmental Proceedings under rule 20 of A.P.Civil Services (CC&A) Rules , 1991 against Sri M.S.N. Murthy, Addl. Registrar/ former Managing Director, Super Bazaar, Visakhapatnam now retired as Additional Registrar of Cooperative Societies for the irregularities committed by him –Inquiry Officer appointed –Inquiry Report submitted – Further action dropped – Orders – Issued.

AGRICULTURE & COOPERATION (VIG..III) DEPARTMENT

G.O.Rt.No. 595

Date: 26-05-2011,
Read the following:-

1. From the CC&RCS., Hyderabad Lr.Rc.No.15390/2007/G5 dated 14.6.2007.
 2. G.O.Rt.No. 973, A&C (Vig.III) Dept. Dt. 07.08.2008.
 3. Written statement of defense of Sri M.S.N. Murthy, Addl. Registrar / Managing Director, Super Bazaar, Visakhapatnam
 4. G.O. Rt. No. 220, A&C (Vig.III) Dept, Dt. 18.2.2010.
 5. D.O.Lr.No. 126/COI-CK/A1/2010, dated 6.11.2010.
 6. Govt.Memo.No. 10463/Vig.III/2007, dated 13.12.2010.
 7. From the CC&RCS., Hyderabad Lr/No./15390/2007/SG-3, dated : 01.4.2011.
 8. Representation from Sri M.S.N. Murthy, Addl. Registrar / Managing Director, Super Bazaar, Visakhapatnam
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ORDER :

In the reference 1st read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad has stated that, the District Cooperative Officer, Visakhapatnam has informed that the enquiry has revealed violation of byelaws, provisions of the Act and also procedural irregularities and requested to take necessary action.

2) In the reference 2nd read above, charges were framed against Sri M.S.N. Murthy, Additional Registrar / Managing Director, Super Bazaar, Visakhapatnam for the lapses committed by him while working as Managing Director, Super Bazaar, Visakhapatnam.

3). In the reference 3rd read above, the Charged Officer, Sri M.S.N. Murthy, Addl. Registrar/Managing Director, Super Bazaar, Visakhapatnam has submitted his written statement of defense.

4). In the reference 4th read above, Government after examining the written statement of defense and based on the material available, have decided to conduct regular enquiry into the matter under A.P. Civil Services (Classification, Control & Appeal) Rules,1991 and accordingly had appointed the Commissioner of Inquiries as Inquiry Authority under Rule 20 (2) of Andhra Pradesh Civil Services (Classification, Control & Appeal) (Rules,1991 to conduct departmental enquiry into the charges framed against Accused Officer

5) In the reference 5th read above, the Commissioner of Inquiries has furnished the inquiry report , after completion of the inquiry into the charges framed against Sri M.S.N. Murthy, Addl.Registrar(now retired) / the then M.D., Super Bazar, Visakhapatnam and reported that the Charged Officer worked in the best interest of the institution i.e., the Super Bazaar and there
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is no financial loss and on the other hand the Super Bazaar was brought to profit in his time and recommended to drop all the charges framed against the Charged Officer.

6) In the reference 6th read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad was requested to inform whether Sri M.S.N.Murthy former Managing Director, Super Bazar, Visakhapatnam now working as Addl. Registrar of Cooperative Societies or his successors got ratified the action duly obtaining approval post facto under Section 116 © of the APCS Act, 1964 or not, if not approved to verify and take action to ratify the action of the then MD and continued subsequently on the issue of payment of earned leave, I.R. and exgratia to the employees without following staffing pattern norms provided under the Act, as the Act provides for norms of fixation of all allowances, staffing pattern etc subject to the condition that such expenditure shall not exceed 2% of the working capital or 30% of Gross Profit in terms of actuals in a year. He was also requested to clarify whether the Super Bazaar has obtained the necessary exemption if the expenditure crossed the norms in the relevant period through proper channel.

7) In reference 7th read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad has stated that, the District Cooperative Officer, Visakhapatnam has informed that ratification of expenditure incurred over and above 2% of working capital and 30% of Gross Profit was not yet done by the Super Bazaar and proposals for exemption U/S 116 (C) provisions will be submitted to Government and regarding obtaining necessary exemption in the relevant period as got ratified through proper channel It is stated that the Managing Director, Super Bazaar, Visakhapatnam reported that the TVCCS Ltd., Visakhapatnam comes under the purview of AP Shops and Establishment Act, 1966 and since the Stores is doing Trade Business the " Minimum Wages Act" was followed by the Employer i.e. Super Bazaar.

8) The District Cooperative Officer, Visakhapatnam has further reported that the then MD, Super Bazaar , Visakhapatnam submitted proposals to Joint Collector / Special Officer , the Visakhapatnam Coop. Central Stores Ltd. (Super Bazaar) Visakhapatnam for payment of Exgratia for the year 2007-08 and the Joint Collector / Special Officer approved note orders dated 26.9.2009 for payment of exgratia and leave encashment payment was made as per the orders of their office. As per the orders of the Joint Collector / Special Officer and their office, exgratia and leave salary were paid to the employees from 2006-07 to 2009-10 and till date. Regarding payment of salaries as per Minimum Wages Act and IR there is no authentication and payments were made as per the decision of the then M.D. The M.D. Super Bazaar , Visakhapatnam has informed that no General Body was conducted since 1991 and as there are only 4 eligible members to participate in elections and thus approval of General Body could not be obtained for any policy matters.

9) In the reference 8th read above, Sri M.S.N.Murthy former MD, Super Bazar, Visakhapatnam has represented that, as per the directions of the Asst./ Deputy Commissioner of Labour, Visakhapatnam and in view of the huge profits earned by him during his period, as per the orders of the Joint Collector and Special Officer to the Super Bazar and also Chairman to the Minimum Wages Committee by virtue of his chairmanship paid the minimum wages to the staff. The individual has stated that, the CC & RCS has permitted the Super Bazar for taking up of construction of Shopping Complex for selling in open market in view of the paucity of funds and therefore he has entered an agreement as per the directions of the District Collector, Visakhapatnam with Suhani Mall for construction of Mega Shopping Mall with Multiplex Theatres, thereby they could able to get nearly 2 ½ lakhs per month as a rent and the CC&RCS has permitted the Super Bazar to pay Earned Leave and higher scales
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to the employees who were completed 10 years of the service and also cleared 1.10 Crores accumulated loss and kept 85 lakhs deposits in various banks. As such, the individual has stated that he has not misappropriated any amount or diverted for any other purpose and requested the Government to kindly take a lenient view and drop all further charges and permit him to draw his retirement benefits at an early date.

10) Government after careful examination of the entire matter keeping in view of remarks of the Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad and the District Cooperative Officer, Visakhapatnam have decided to accept the findings of the Inquiry Officer and hereby drop further action against Sri M.S.N. Murthy, Addl. Registrar/ former Managing Director, Super Bazaar, Visakhapatnam now retired as Additional Registrar of Cooperative Societies.

11) The Commissioner for Cooperation and Registrar of Cooperative Societies, AP., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R. KISHORE,
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M.S.N. Murthy, Addl. Registrar/ former Managing Director,
Super Bazaar, Visakhapatnam now retired as Additional Registrar of
Cooperative Societies through the CC&RCS, AP., Hyderabad.
The Commissioner for Cooperation and Registrar of Cooperative Societies, AP.,
Hyderabad.
SF/SC.

// Forwarded:: By order //

SECTION OFFICER.